

MINUTES

**CITY OF CEDAR PARK
SPECIAL CALLED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK BOULEVARD, BUILDING FOUR
SEPTEMBER 5, 2013 AT 6:30 PM**

Mayor Matt Powell
Stephen Thomas, Council Place One
Mitch Fuller, Council Place Two
Lyle Grimes, Council Place Three

Donald J. Tracy, Mayor Pro Tem
Lowell Moore, Council Place Four
Jon Lux, Council Place Five
Brenda Eivens, City Manager

A. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.

Mayor Powell called the meeting to order at 6:32 p.m.

Councilmember Fuller arrived at 6:50 p.m. and Councilmember Thomas arrived at 6:51 p.m. All Council present.

B. Invocation. ^(Mayor)

Invocation given by Mayor Powell.

C. Pledges Of Allegiance. (U.S. and Texas)

Council led the audience in the Pledges of Allegiance.

D. Presentation: 83rd Legislative Session Recap – State Representative Tony Dale. District 136

State Representative Dale provided a recap of the 83rd Legislative Session. Rep. Dale addressed the larger bills such as the State budget, Education and Water, in addition to bills of general interest.

E. Citizen Communications. (Not for items listed on this agenda. Three minutes each. No deliberations with Council. Council may respond with factual information.)

None.

F. Mayor and Council Opening Comments.

Councilmember Grimes recognized Tara McAlister, Parks and Recreation Department, for a successful Splash Jam event.

Councilmember Fuller commented on Leadership Cedar Park.

PUBLIC HEARINGS

- G. Second Reading And Public Hearing On An Ordinance Adopting A Municipal Operating Budget For The Fiscal Year Beginning October 1, 2013, And Ending September 30, 2014; Adopting A Municipal Capital Budget For The Fiscal Year Beginning October 1, 2013, And Ending September 30, 2014; Appropriating Funds In Accordance With The Budget; Providing For Effective Date And Ordaining Other Related Matters.**

Agenda Item G and H called together.

Joseph Gonzales, Finance Director, addressed the Council regarding the FY2014 Operating Budget. The proposed tax rate is \$0.493501/\$100 of valuation, with \$0.253840/\$100 applied to Operations and Maintenance and \$0.239661/\$100 for Interest and Sinking. The proposed rate is at the current rate and reflects no increase.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

General discussion followed:

Mayor Powell stated he is still interested in lowering the rate to \$.492501.

Councilmember Fuller supports the lower rate; however cautioned about the I&S rate with larger projects projected for the future.

Councilmember Grimes stated he is concerned with Fiscal Years 2016-19. He is supportive of the \$.492501 rate.

Councilmember Lux stated he is also supportive of the lower rate.

- H. Second Reading And Public Hearing On An Ordinance To Consider A Tax Rate Of \$0.493501; Increase The Total Tax Revenues Of The City Of Cedar Park; And Levy Taxes For The Fiscal Year 2013/2014.**

Agenda Item G and H called together.

Refer to Agenda Item G for discussion and Public Hearings.

REGULAR AGENDA (NON-CONSENT)

- I. Consideration To Approve A Resolution Authorizing A Financial Management Policy For The City Of Cedar Park.

Joseph Gonzales, Finance Director, reviewed the proposed amendments for the update of the Financial Management Policy. The amendments are administrative in nature in order to comply with GASB.

Motion to approve a Resolution authorizing a Financial Management Policy for the City of Cedar Park.

Movant: Councilmember Fuller

Second: Councilmember Thomas

Vote: 7-0

Resolution Number R158.13.09.05.I

- J. Consideration To Approve A Resolution Authorizing An Investment Policy, Strategy Guidelines And Authorized Broker Dealer List For The City Of Cedar Park.

Joseph Gonzales, Finance Director, reviewed the proposed amendments for the update of the Investment Policy. The amendments are administrative in nature and include increasing the limit on Municipal Obligations from 30% to 35% and adding Brokered CD Securities as an investment option with a 20% limit.

Motion to approve a Resolution authorizing an Investment Policy, Strategy Guidelines and Authorized Broker Dealer List for the City of Cedar Park.

Movant: Councilmember Moore

Second: Mayor Pro Tem Tracy

Vote: 7-0

Resolution Number R159.13.09.05.J

- K. Consideration For The Keeping Of Chickens In Residential Zoning Districts. (Tracy)

Agenda Item K called after Agenda Item F (Mayor and Council Opening Comments)

Mayor Pro Tem Tracy addressed the Council regarding why he requested this agenda item. It is important to understand the community interest and what that might be. He

supports amending the ordinance to allow for chickens. He would like to know how other cities and HOA's are impacted by the actual keeping of chickens.

Councilmember Moore agrees with Mayor Pro Tem Tracy. The amendment is only about chickens and not livestock. He addressed dogs and the nuisances with them and stated chickens can be regulated by ordinance.

Councilmember Grimes questioned why Council was considering chickens at this time. There are larger issues to be considered such as Hwy 183 mobility, economic development, Stage 3 water restrictions, and the Budget and tax rate. The Council needs to consider not just individual property owners but also all those impacted in the entire city. He questioned what will the City look like in 15 years from now. He is not in favor of amending the ordinance to allow for chickens.

Councilmember Thomas commented on the issues of tying up City resources. He understands citizens' desires and it is important to consider those desires. He has actually received more opposition than citizens in favor of amending the ordinance. He would like public comment and more education on the issue.

Councilmember Fuller stated the Council represents the entire City and must weigh the impact across the City. He commented on the rights of private property owners; however one person can affect another person's private property rights.

Councilmember Lux stated the ordinance in place has served the City well. Amendments will impact the entire City and not just a selected few. He is in opposition to amending the ordinance.

Mayor Powell stated there has been a request from interested citizens in having a committee formed to further consider this item. Mayor stated since this item concerns the zoning ordinance he would like to use the Planning & Zoning Commission to further research this and not create a new committee.

Mayor Powell allowed Public Comment.

The following people spoke in favor of amending the ordinance to allow for chickens in residential areas:

Victoria Kogan

Paul Barron

Gail Lindholm

Alexander McStay

Aislin McStay

Michelle Hernandez

Deb Signorino

Don Caldwell

Debra Knox

Pam Ellis

Mike Metz

The following people spoke against amending the ordinance to allow for chickens in residential areas:

James Mannes

Steve Echols

Mollie Francis

Matt Jacobi

Bob Ingraham

Andres Ibarra

Angie Ibarra

Gail Greer

Larry Best

Mayor Powell closed the Public Comment.

General discussion followed:

Mayor Pro Tem Tracy stated Council must make decisions on large and small items. He believes more research is needed in order to make a rational decision.

Mayor Powell agreed the item should be on the agenda since citizens asked for this to be considered. However, he disagreed with a few of the comments made in relation to a no vote going against the principle of property rights.

Councilmember Grimes stated staff has been tasked to work on larger projects. He is against the amendment for a number of reasons that include: abandonment issues, legal costs, costs related to the regional animal shelter, and HOA's not having the funds to fight legal battles. If an exception is made now where will it end up? He addressed problems with disease and predators and stated the current ordinance is not unreasonable.

Councilmember Fuller stated he appreciated the comments from both sides. There are currently four zoning districts in Cedar Park where chickens are allowed. He commented on chickens not being domesticated animals and therefore are not registered. Would this change in the future? Councilmember Fuller commented on relying on the HOA's to enforce sounds like an unfunded mandate. There are also concerns of salmonella contamination.

Councilmember Thomas stated there are valid points and issues that should be looked at. Cedar Park is an urban area and there are associated costs to the City. Also, issues such as registration of such pets and limited animal control resources should be considered. Councilmember Thomas suggested tabling the item and looking at getting more facts related to actual costs to the City.

Motion to table the item for further consideration in order to gather more facts.

Movant: Mayor Pro Tem Tracy

Second: Councilmember Moore

General discussion continued:

Councilmember Moore agreed that more facts are needed.

Councilmember Grimes stated he is still not in support of any amendment.

Mayor Powell stated he is not supportive of the motion. He would like Council to take action for or against the concept this evening. The vote does not preclude any group from gathering more information. The only process he would like to consider is having the amendment go back to the Planning and Zoning Commission.

Mayor Pro Tem Tracy made a friendly amendment to his original motion *"to table the item and ask the Planning & Zoning Commission to consider and present information to Council with a recommendation"*.

Friendly amendment accepted by Second.

Councilmember Lux commented on the history of the ordinance. There was a vision the Council had at that time for the City and it wasn't for chickens to be allowed in all residential. This is not a new ordinance and has served the City well.

Councilmember Thomas called the question.

Motion to table the item and ask the Planning & Zoning Commission to consider and present information to Council with a recommendation.

Vote: 4-3

In Favor: Councilmember Thomas, Councilmember Fuller, Councilmember Moore, and Councilmember Thomas.

Against: Mayor Powell, Councilmember Grimes, and Councilmember Lux

Motion passes.

EXECUTIVE SESSION

In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T.C.A.) (Open Meetings Law), "The City Council may meet in a Closed Executive Meeting pursuant to provisions of the Open Meetings Law, Chapter 551, Government Code, V.T.C.A. in accordance with the authority contained in the following sections":

No Executive Session conducted.

- L. Section § 551.071 (2) Consultation With Attorney Regarding Matters In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflict With This Chapter:
 - 1. Legal Issues Concerning Permitted Uses In The General Office ("GO") And Hospital ("H") Zoning Districts.
 - 2. Legal Issues Concerning The Terms Of The Strategic Partnership Agreement Providing For The Voluntary Limited Purpose Annexation Of Travis County Water Control Improvement Districts 1F And 1G And Bella Vista Municipal Utility District.

The Council Reconvenes into General Session.

OPEN MEETING

Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.

M. Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.

No Executive Session conducted.

N. Mayor and Council Closing Comments.

Councilmember Fuller requested future agenda items or information related to:

1. The original intent of the supermajority vote requirement and research on the benchmark cities.
2. Future agenda item related to the LCRA water contract, land use, development and future planning.
3. Future agenda item for an analysis of properties with agricultural exemptions and impact to the AV.
4. Future agenda item for 9.26 related the BCRUA land acquisition, Chapter 26 meeting update.

Mayor Powell commented on attending a meeting at LCRA, the curtailment plan, and possible further restrictions in March or April. He would like a future agenda item for LCRA to give a forecast on water levels.

Councilmember Grimes would like to revisit the masonry standards in relation to flammable materials.


Mayor Pro Tem Tracy requested a future agenda item for an update on the CAPCOG meeting.

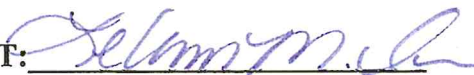
Councilmember Lux thanked the citizens that stayed for the budget discussions.

O. Adjournment.

Mayor Powell adjourned the meeting at 9:10 p.m.

PASSED AND APPROVED THIS 3RD DAY OF OCTOBER, 2013.


Matthew Powell, Mayor

ATTEST: 
LeAnn M. Quinn, TRMC
City Secretary



City Council Minutes - SC
September 5, 2013